

REMARKS/ARGUMENTS

Reexamination of the captioned application is respectfully requested.

A. SUMMARY OF THIS AMENDMENT

By the current amendment, Applicants basically:

1. Amend the specification and independent claims 19, 20 to moot the Writttten Description objections of the office action.
2. Amend claims 6, 8, 9, 19 and 20.
3. Cancel claims 4, 14 and 17 without prejudice or disclaimer.
4. Respectfully traverse all prior art rejections.
5. Advise the Examiner of the simultaneous filing of a Petition to Extend.

B. WRITTEN DESCRIPTION

The office action alleges that certain phraseology of independent claims 19 and 20 does not comply with the written description requirement of 35 USC §112, first paragraph and is not supported by the or disclosure. The office action further objects to the amendment to the specification which added the phraseology to page 16 of the specification. Applicants respectfully disagree with both contentions.

Rather than contest this phraseology, Applicants now proposed modified wording for independent claims 19 and 20 and page 16 of the specification. The modified wording is states that “An extent of the rib facilitates adjustable positioning of the solar cell unit in the lateral direction without interference with a rib of an adjacent solar cell unit”. The office action does not object to the amendment to page 19 of the specification wherein a new sentence was added (“That is, the width of the gaps between adjacent solar cell unit is adjustable.”). In fact, the office action states that the specification indicates that “the width of the gaps between the solar cell units is adjustable”. What the examiner should now recognize is that the specification explains on page 16 that this width of gap adjustability

would be frustrated if the height of the drip rib 12 were too great. That is because, “if the height of the drip rib 12 were too great, there is a possibility that, when the solar cell unit 1 is disposed adjacent a roof tile 103b ..., the solar cell unit 1 cannot flexibly be installed on the roof with the drip rib 12 in abutment against an underlap portion 107 of the roof tile 103b.” See, e.g., the *paragraph beginning at page 16, line 7, and continuing to page 16, line 17, of the specification*. The foregoing precisely explains what is merely summarized in the sentence which we now present as the modified wording for the page 16 paragraph and for independent claims 19 and 20. Therefore, this modified wording should not be objectionable.

C. PATENTABILITY OF THE CLAIMS

Claims 9 and 16-18 stand rejected under 35 USC 102(b) as being anticipated by U.S. Patent 4,336,413 to Tourneux. Claims 3-4 and 6-7 stand rejected under 35 USC 1013(a) as being unpatentable over U.S. Patent 4,336,413 to Tourneux. Claims 8 and 13-15 stand rejected under 35 USC 103(a) as being unpatentable over U.S. Patent 4,336,413 to Tourneux in view of U.S. Patent 4,621,472 to Kloke. Claims 19-20 stand rejected under 35 USC 103(a) as being unpatentable over U.S. Patent 4,336,413 to Tourneux. All prior art rejections are respectfully traversed for at least the following reasons.

Independent claims 6, 8, and 9 have been amended to include therein the respective limitations of (now cancelled) claims 4, 14, and 17, respectively. As such, independent claims 6, 8, and 9 all require that the drain channel have a barrier plate which closes one end of the drain channel located on the roof ridge side. This limitation, among others, is not taught or suggested by the applied references, either alone or in combination.

Applicants do not agree with the conclusion in the second full paragraph on page 6 of the office action that partial division 13 of Tourneux constitutes the barrier plate required by dependent claim 17. According to Applicants’ understanding of col. 4, lines 40 – 44 of U.S.

Patent 4,336,413 to Tourneux, partial division 13 refers to a gap in wing 28. Wing 28 serves to delimit two sealing grooves 30 and 31, and division 13 appears to be a gap in the delimiting structure of wing 28 to permit water in groove 40 of piece 24 to flow. Therefore, Applicants believe that the subject matter of dependent claim 17 is not taught or suggested by U.S. Patent 4,336,413 to Tourneux. The same considerations apply to independent claims 6 and 8.

Regarding independent claim 8, the office action properly admits that U.S. Patent 4,336,413 to Tourneux does not teach the first side frame portion further having an auxiliary drain channel projecting under the module and extending along an inner side of the first side frame portion. To supplement this deficiency of U.S. Patent 4,336,413 to Tourneux, the office action attempts a combination with newly applied U.S. Patent 4,621,472 to Kloke. The office action specifically points to alleged drain channels 79, 80 (see Fig. 5 of Kloke) which supposedly project from frame 81 or 82 under the panel and extending along an inner side of the frame (see, e.g., the last full paragraph on page 10 of the office action).

U.S. Patent 4,621,472 to Kloke does not pertain to a solar cell, but rather describes a glazed window structure such as a sky light. Moreover, Applicants do not believe that the Kloke drain channels 79, 80 are formed on members which are directly analogous to the first side frame portion of independent claim 8. Specifically, the Kloke drain channels 79, 80 are formed on purlin members 20. As shown in Fig. 1 and described in the paragraph bridging columns 3 and 4 of U.S. Patent 4,621,472 to Kloke, the purlin members 20 intersect with rafters 18 and thus are essentially horizontal members which are parallel with head structure 12 and sill structure 14.

Independent claims 19 and 20 require that an extent of the rib facilitates adjustable positioning of the solar cell unit in the lateral direction without interference with a rib of an adjacent solar cell unit. In U.S. Patent 4,336,413 to Tourneux, by contrast, upturned elements 28 and 29 of Tourneux piece 22 and the corresponding downturned elements of Tourneux piece 21 appear to interlock in such a way to limit lateral movement of the

Tourneux panels relative to one another. It is apparent that Tourneux wings 29 and 28 will interfere with the downwardly projecting rib of piece 21, so that adjustability is thwarted. There is nothing about the projecting rib of piece 21 that facilitates adjustability, rather the downward extent of the rib under piece 21 prevents adjustability. Moreover, contrary to the intimations of the office action, it would not be obvious to control the degree of downward extent to promote adjustable positioning. This contention relies heavily, Applicants believe, on hindsight. Wings 28, 29 are provided for the purpose of delimiting two sealing grooves 30 and 31, and making wings 28, 29 shallower would decrease capacity of the sealing grooves as well as earlier terminate the desired delimiting of the grooves 30, 31.

D. MISCELLANEOUS

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly solicited.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application. Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

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